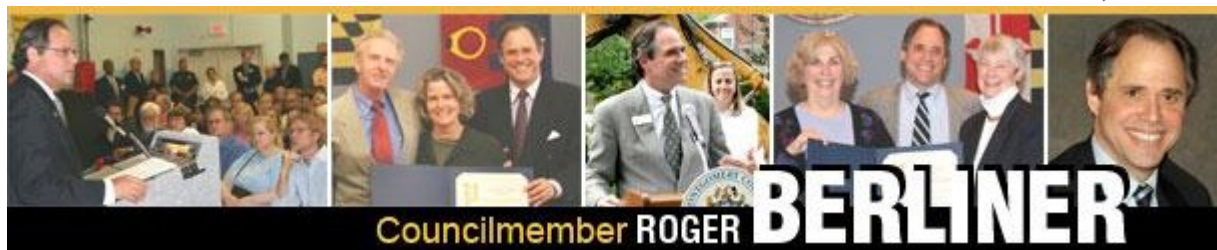


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October 20, 2010



## *The Berliner Brief*

**Dear District 1 Residents and Friends,**

As the air grows crisper (thank you) and the days grow shorter (not so great), I wanted to share with you some developments from the Council of particular note, including the financing of the White Flint Sector Plan, information on the "Ambulance Fee" ballot question, and an update on the investigation of Pepco. And more (of course).

Sincerely,

Roger Berliner  
Councilmember, District 1

### **White Flint Sector Plan Update**

On September 27, the County Executive transmitted to the Council a financing plan/legislative package that is critical for implementation of the White Flint Sector Plan approved earlier this year. The legislative package will provide a framework for the Council's deliberations as the bill works its way through joint committee deliberations and makes its way to the full Council. Although I am not a member of the Planning, Housing, and Economic Development (PHED) or Management and Fiscal Policy (MFP) Committees that will first take up this legislation, I intend to participate in all the committee sessions because of the critical importance of this plan to both our district and to the County as a whole.

Some of you may wonder: *what is a financing plan?* In a nutshell, it is a plan that specifies what infrastructure improvements will be built and who will pay for them. In the language of the plan, there are 3 "buckets" of responsibility: there is the "county bucket" which will pay for a new library and recreation center, among other improvements; there is the "private developer" bucket that will pay for the kinds of things that developers always pay for around their site; and then there is the 3<sup>rd</sup> bucket, a "development district" in which the property owners are assessed an additional 10% property tax to cover major infrastructure envisioned by the plan, such as the transformation of Rockville Pike into a grand boulevard, a new entrance to the Metro, etc.

From my perspective, it is critical that the financing plan we approve provide certainty to the community and to the developers that the infrastructure called for in the White Flint Sector Plan will be built in a timely manner. The most significant issue is that the 10% tax contemplated for the development district will not generate enough revenue ever, let alone in the short term, to pay for all the infrastructure that has been allocated to the "development district bucket". There is a \$130 million gap - at the very least. And that's a problem.

There is nothing that the County is considering or even on our radar more important than getting White Flint right. According to the County's projections, White Flint - beyond transforming this area into a walkable, bikable, enlivened and greener community - will generate \$6.8 Billion over the course of the next 30 years in net revenue for the County. That's huge.

You have my commitment to do everything I can to get this right and make sure that the promises made to the community are kept. The Council will be working its way through these issues over the next few months and [all meetings are open to the public](#). If you are interested in White Flint, you might consider testifying at the Council's public hearing on Tuesday, October 26 at 7:30 pm in the Council Office Building. To sign up, or for more information, please call 240-777-7803.

Earlier this month, I had the opportunity to participate in a walking tour of the White Flint Sector Plan organized by the Coalition for Smarter Growth. Over 60 people showed up this crisp Saturday morning to see and hear firsthand about plans for redevelopment and revitalization of the area. We heard from Cheryl Cort, Executive Director of the Coalition for Smarter Growth, Evan Goldman from Federal Realty, Nkosi Yearwood from Montgomery County's Planning Department, and community leaders Dan Hoffman and Barnaby Zall. There were lots of questions from the crowd who seemed engaged and excited by what they heard. Thanks to all involved who made this educational event so successful.



## Ambulance Fee On the Ballot

As many of you know, as we go to the voting booth this November, a question will appear on the ballot related to the Emergency Medical Services Transport Fee, or, the "Ambulance Fee." This fee was included in the Fiscal Year 2011 Operating Budget, after passing the Council narrowly by a [5-4 vote](#). I was one of the four votes that did not support inclusion of this fee in our County's budget. Following its passage, the Montgomery County Volunteer Fire and Rescue Association led a successful effort, after extensive court review, to put this fee to referendum.

The County Executive, who strongly supports the fee, anticipates that the voters will reject the fee and has sent us his proposed budget savings that will be necessary to make up for the absence of the fee (\$14.3 million, a number that is arguably somewhat inflated). His proposed cuts would touch almost all aspects of county services, including fire and rescue services; police; recreation; & human services. The Council has the final word on the budget however, and will most certainly be exploring alternatives in December should the voters in fact reject the fee as the County Executive assumes.

Here is the referendum language as it will appear on the ballot:

### Question A

#### Referendum on Law Enacted by County Council

#### Emergency Medical Services Transport Fee

Shall the Act to require the collection of an emergency medical services transport (ambulance) fee from: (1) County residents to the extent of the resident's insurance coverage; and (2) non-County residents subject to a hardship waiver become law?

**FOR    AGAINST**

To help you in your own discernment process on this complex and important issue, I have sought to summarize the arguments of the leading proponent of the fee -- the County Executive - and the leading opponents - the Volunteer Fire & Rescue Association. There are obviously more people and organizations that have views on this public policy debate, but for this purpose, their positions will suffice. I hope you find this information helpful as you head to the polls and decide the issue for us.

**Arguments for:**

The County Executive projects the Ambulance Fee will raise \$14-17 million a year, money that in the future will be dedicated to public safety. He points out that neighboring jurisdictions like Fairfax, Frederick, Prince George's, Carroll, Charles, Arlington, and Prince William counties collect the fee, along with Alexandria, Baltimore, and the District of Columbia.

Proponents stress that County residents will not pay for medical transport - ambulance reimbursement will be billed directly to residents' insurance companies, which have already factored the cost of patient transport into their rate schedules. Ambulance reimbursement will be waived for uninsured residents and will be covered by tax dollars. According to the CE, there is no evidence that ambulance reimbursement will raise insurance rates.

Further, he argues that there is no evidence that those in need of transport will be dissuaded from calling 9-1-1 because their insurance is going to be billed or because they are uninsured. The County will fund a public education campaign to make sure that residents know there are no charges to them for emergency medical services; no changes in service; and the quality of patient care will continue to be the highest priority for Montgomery County's Fire & Rescue Service. A resident's ability or non-ability to pay will never be considered when providing service.

Finally, the County Executive argues that in such fiscally difficult times, when we are cutting vital public services, to leave \$14 million plus "on the table" would be a grave mistake, and the consequences of rejecting the fee will be felt by all citizens.

**Arguments Against:**

The Montgomery County Volunteer Fire and Rescue Association strongly disagrees with the view of the County Executive. Fundamentally, they argue that ambulance services represent a core government function, not something that should be paid for by a special "fee" or turned into a "profit-making center." It is something that our taxes pay for. Instead of charging for this fee, the Volunteers maintain that the County should scrutinize its structure and delivery of services so that the County operates in the most efficient way possible. They believe such an examination and achieving such efficiencies have yet to be realized.

Volunteers also believe, contrary to the County Executive's assessment, that residents will in fact be discouraged from calling 9-1-1. They cite statistics from Fairfax County, where the per capita number of calls to 9-1-1 dropped once a fee was instituted. You don't want someone who thinks they may be having a heart attack not call 9-1-1 because of concerns about paying for an ambulance, they argue. Moreover, the studies have not closely examined how ambulance fees affect the uninsured, under-insured, and other less-advantaged groups.

Finally, the Volunteers are very proud of the vital service they provide to County's residents at no costs. They do not see the logic in charging for a service that they already provide for free. It will be demoralizing; undercut Volunteer fundraising efforts (people will give less for a service that is charged for); and undermine one of the most cost-effective and critically important components of our combined career and volunteer fire and rescue services.

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As you can see, there are indeed compelling arguments on both sides of this issue - an issue that you will decide at the ballot box on November 2. Good luck!

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### **Update on the Pepco Investigation**

I know many of you have been following this issue and you are probably wondering what is going on now. As you may remember, on August 17 the Maryland Public Service Commission [initiated an investigation](#).

As part of the investigation, the Commission requested that Pepco report on: (i) the number of customers affected by recent power outages; (ii) the root causes for the scope, frequency and duration of outages, both storm- and non-storm related; (iii) the communications failures that reportedly occurred and continue to occur between Pepco and affected customers; and (iv) the company's reported inability to communicate estimated times of restoration to affected customers in a timely manner. In addition, the Commission has ordered an independent 3<sup>rd</sup> party review of the reliability of the system and has asked for the development of an RFP (Request for Proposal) to define that scope of work.

One of the pieces of information that I am particularly interested in seeing is the list of the ten least reliable feeders, by year, since 1998, with and without inclusion of major storm outages. For each of these feeders, Pepco is to show their location on a map; provide the cause and duration of each listed feeder's outages; and any associated short-term and long-term remediation and preventive measures taken.

County Executive Leggett has also launched a Pepco Work Group to conduct an independent investigation to identify and investigate causes for the frequent electricity outages and their duration. He has named a 12 member group, chaired by Norman R. Augustine, retired CEO of Lockheed Martin. This group will be reporting to the Public Service Commission their independent review.

A "status conference" was held at the Public Service Commission on October 12, 2010. More structure and deliverables to the Commission were outlined and the contractor's reliability report on Pepco is to be completed by early next year. As one who has been involved in regulatory proceedings before state public utility commissions for more than 25 years, know that this is a marathon, not a sprint. And also know that we are working hard to make sure that at the end of the day, we get a more reliable system and a stronger regulatory compact that holds Pepco accountable for results.

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### **Organizational Reform Commission**

The Organizational Reform Commission, which was created by a [Council Resolution](#) I introduced with the support of my colleagues, has released their 2010 status report. You can read it [here](#).

Also, the Commission will be holding a Public Forum on Wednesday, October 20 at the Council Office Building at 7pm. If you have ideas on ways Montgomery County can deliver services more efficiently or be structured in a different way, please share them with the Commission. To sign up to testify, please call (240) 777-7814.

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### **Grants Advisory Group Seeking Applicants**

The County Council is seeking applicants for our Grants Advisory Group for the upcoming year. Each year, the Council appoints a community panel of volunteers to review and advise the Council on grant applications from non-profit organizations that help fund a wide range of services for our community. This is an opportunity for community members to provide advice to the Council and learn more about the work and services of nonprofits in our County. The deadline to apply is November 12 and you can find more information [here](#).

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### **Walk To School Day 2010**





October 6 was Walk To School Day. This year, joined by District 16 Delegate Bill Frick and Principal Charlene Garran, we celebrated with the parents, teachers, and students at Ashburton Elementary School. I was pleased to see so many kids and adults alike ready to walk to school! Thank you to Ashburton Elementary for having me there to proclaim "Let's Walk!"




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### Odds and Ends

**Aging In Place Expansion:** The County Executive has announced a plan to expand on the aging-in-place "villages" that residents in Bethesda, Chevy Chase, and Somerset currently have access to. The programs would assist seniors by providing transportation, security, and social contact, so that they can remain in their homes longer. I want to thank Leslie Kessler and Austin Heyman for their tremendous work on these programs on behalf of District 1 seniors.

**New Business in Chevy Chase:** Montgomery County and [EDF Inc.](#) celebrated the grand opening of the company's new North American headquarters in Chevy Chase. EDF Inc. is subsidiary of EDF International S.A. of France and an international, low-carbon energy leader. The company signed a 10-year lease for 16,000 square feet at 5404 Wisconsin Place. The company has approximately 25 employees at the new location. I am very pleased that the company chose Montgomery County, and more specifically District 1, to locate. In addition, we will celebrate the opening of the new International Baccalaureate Center for the Americas in Bethesda later this month.

**Handheld Phones Banned:** In case you haven't already heard, a new state law went into effect on October 1 prohibiting drivers from using their hands to operate a cellular telephone. Enforced as a secondary violation, the new law carries a \$40 fine for a first offense and a \$100 fine for a second offense.

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### A Visit from the Bells Mill Boy Scouts

On October 19 I was thrilled to be joined by Boy Scouts from Bells Mill Elementary. I shared with them a little bit about the work my colleagues and I do at the Council and then asked them what their thoughts were for the County. Their ideas? More pets, more allowance, and lower taxes!




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## Calling All Community Leaders

Civic and Homeowner Associations: In order to disseminate timely information that may be useful to your communities and neighborhoods, we would like to keep a comprehensive and updated database of District 1 civic and homeowners associations. Please help us by calling 240-777-7828 or emailing us at [councilmember.berliner@montgomerycountymd.gov](mailto:councilmember.berliner@montgomerycountymd.gov) anytime with the name of your organization, the current president's name, e-mail address, street address and phone number. We promise to use the contact information judiciously and will not share it with any other parties.

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## My Office

Thank you for your trust, and please let me know what I can do for you. It is truly a privilege to do this work, and I thank you for the opportunity.

As always, my staff and I look forward to hearing from you and to seeing you at community events. **Cindy Gibson** is my Chief of Staff and handles land use; **Susan Buffone** follows the Transportation, Energy, Infrastructure, and Environment Committee; **Lou D'Ovidio** follows Public Safety and Management and Fiscal Policy Committee issues; **Chad Bolt** focuses on Health & Human Services Committee and Education Committee issues; and **Beth Sylvester** handles constituent service, manages my busy calendar, and is the friendly voice on the other end of the phone when you call our office. All of them will try to facilitate your interaction with County government in any way that they can.

Roger Berliner  
Councilmember  
District 1



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